

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kyle Bateman et al.

Serial Number: 10/602,547

Filed: 06/24/2003

Art Unit: 3641

Examiner: Troy Chambers

For: MODULAR BALLISTIC WALL

Attorney Docket: 2280.ACTI.NP

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**FAX RECEIVED**

APR 18 2008

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the USPTO Office of Petitions via facsimile to (571) 273-0025.

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313 (C)(2)**

Dear Sir:

In conjunction with a request for continued examination in compliance with 37 CFR 1.114 applicant requests that the above-referenced matter be withdrawn from issuance. It is desired that additional prior art be considered in this case. More specifically, after payment of the issue fee applicant received an office action in an unrelated reissue case wherein the examiner issued an obviousness-type double patenting rejection. While applicant believes that the present case is patentably distinct over the copending reissue application (the patent on which the reissue is based having been considered), applicant wishes for the examiner in the present case to specifically consider the claims in the reissue application in light of the aforementioned office action. Additionally, in light of the application of obviousness-type double patenting in

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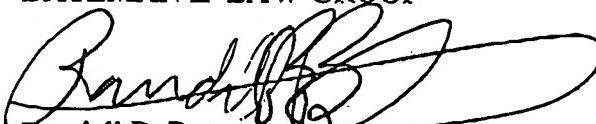
the reissue case, Assignee wishes to have other patents and applications owned by Assignee to be considered.

In accordance with 37 CFR 1.313 a request for continued examination in compliance with 37 CFR 1.114 is included along with this petition. The petition fee set forth in 37 CFR 1.17(h) along with the fee for the request for continued examination as set forth in 37 CFR 1.17(e) have also been included.

The Commissioner is hereby authorized during the entire pendency of this application to credit any overpayment and debit any amount owing, including fees for extensions of time, to Deposit Account No. 50-2720.

Sincerely,

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